

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6766

BILL NUMBER: SB 195

NOTE PREPARED: Dec 19, 2006

BILL AMENDED:

SUBJECT: Criminal History Checks for Teachers.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a national criminal history background check for an applicant for: (1) certificated employment with a school corporation or charter school; and (2) a teacher license. The bill requires each school corporation and charter school to adopt a policy concerning criminal history background checks.

Effective Date: July 1, 2007.

Summary of Net State Impact: Currently, an applicant for a teacher's license is required to submit a limited criminal history background check. The bill modifies current statute to require a teacher's license applicant to provide a national criminal history background check.

Fees collected for limited criminal history background checks are deposited into the state General Fund and the Indiana Office of Technology (IOT) Portal Fund. A portion of the fees collected for national criminal history checks are deposited into the state General Fund, and the remainder is forwarded to the federal government. The table below reports increases and decreases to the state General Fund and the IOT Portal Fund under the bill.

Increases (Decreases) to State General Fund and IOT Portal Fund

	State General Fund	IOT Portal Fund
Elimination of Limited Criminal History Check	(\$210,000)	(\$208,000)
Requirement to Obtain a National Criminal History Check	\$450,000	NA
Net Change	\$240,000	(\$208,000)

Explanation of State Expenditures: *Summary:* This bill requires school corporations and charter schools to modify their criminal history policies to include a requirement mandating all individuals applying for certificated employment to complete a national criminal history background check. This provision would increase revenue deposited into the General Fund from criminal history background check fees by an indeterminable amount.

The bill also requires all teacher's license applicants to obtain a national criminal history background check instead of a limited criminal history background check. This provision of the bill would increase revenue to the state General Fund by approximately \$240,000 annually.

Indiana State Police: In both provisions A and B described in the table, the Indiana State Police (ISP) would experience a change in workload; actual increases or decreases are unknown.

Table A: ISP Workload Change

Provision	Current	As Proposed	Change in Workload
A	Conduct limited checks for certificated applicants of school corporations and charter schools which required a limited criminal history check.	Conduct a national criminal history check for all certificated applicants.	Unknown Increase.
B	Conduct limited criminal history checks for all teacher's license applicants.	Conduct national criminal history checks for all teacher's license applicants.	Unknown change.

Background Information:

A Limited Criminal History Background Check means information with respect to any arrest or criminal charge, which must include: (1) a disposition; and (2) a photograph of the person who is the subject of the limited criminal history, if a photograph is available. The term includes information about any arrest or criminal charge that occurred less than one year before the date of a request even if no disposition has been entered. A limited criminal history background check is obtained through the Indiana State Police (ISP).

A National Criminal History Background Check means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification. A national criminal history background check is also obtained through the ISP.

Explanation of State Revenues: (A) *Mandate that Certificated Applicants Complete a National Criminal History Background Check -*

This bill requires school corporations and charter schools to modify their criminal history policies to include a requirement mandating all individuals applying for certificated employment to complete a national criminal history background check. Under current law, both entities are required to adopt a policy concerning criminal history information which pertains to individuals applying for employment. The policy may require certificated applicants to obtain a limited criminal history check before or not later than three months after the individual's employment.

Fiscal Impact: Background check policies vary by school corporation or charter school; some request limited criminal history information, while others do not. In addition, school corporations and charter schools are exempt from fees for limited criminal history records when obtaining the record as part of a background investigation for a prospective employee. However, if the applicant requests the check, a fee will be charged. Whether the school corporation or charter school requests the background check or the applicant requests the check varies by school corporation and charter school as well. The number of applicants paying fees for background checks is unknown. Fees for limited criminal history background checks are as follows: \$16 for persons who do not subscribe to AccessIndiana, \$15 for AccessIndiana subscribers, or \$7 by mail. A portion of the fees, \$7, is deposited into the state General Fund; the remaining \$8 or \$9.32 is deposited into the Indiana Office of Technology (IOT) Portal fund. The IOT reports that the Portal Fund is used to maintain and modify AccessIndiana webpages.

National criminal history background checks cost a total of \$39, \$24 of which is given to the federal government, and the remaining \$15 is deposited into the state General Fund.

	Current	As Proposed
Type of Check and Requirement	Depending on school corporation or charter school policy, <u>may</u> be required to submit a limited criminal history check for certificated applicants.	Would be required to collect national criminal history check for all certificated applicants.
Fee	\$16 for persons who do not subscribe to AccessIndiana, \$15 for AccessIndiana subscribers, and \$7 by mail; fee is waived for school corporations.	\$39; \$15 of which is deposited into the state General Fund, \$24 is forwarded to the federal government
Fee Responsibility	School corporation or charter school may require the certificated applicant to pay any fees required for a limited criminal history background check.	School corporation or charter school may require the certificated applicant to provide a set of fingerprints and pay any fees required for a national history background check.

Under this provision of the bill, revenue deposited into the General Fund from fees would likely increase. Actual increases would be dependent on the number of school corporations and charter schools currently requiring limited criminal history checks for certificated employees and the fee paid for those checks (would range between \$0 for school corporations and \$16 for individuals requesting the information online without an AccessIndiana subscription), and the number of certificated applicants to school corporations and charter schools who would be required under the bill to submit a national criminal history check (\$15 of the fee

would be deposited into the state General Fund).

In addition, it should be noted that should a school corporation choose to pay the fee for the required national criminal history background checks, it would experience an increase in expenditures.

(B) Mandate Teacher License Applicants to Obtain a National Limited Criminal History Check-

Under current law, an applicant for a teacher license is required to submit a limited criminal history check. As proposed, the applicant would be required to submit a national criminal history background check.

The Indiana Office of Technology and the ISP report that 75% of persons obtain a limited criminal history check through the Internet (AccessIndiana), and the remaining 25% obtain the check in person or through the mail. Fees vary for limited criminal history background checks and are dependent on the method in which the information is obtained. Revenue from fees collected is deposited into the state General Fund and the IOT Portal Fund (see table below). The IOT reports that the Portal Fund is used to maintain and modify AccessIndiana webpages.

Limited Criminal History Background Check Fees				
Type of Fee	Information Obtained Through	Amount of Fee	Amount of Fee Deposited into State General Fund	Amount of Fee Deposited into IOT Portal Fund
AccessIndiana (Subscriber)	AccessIndiana Website	\$15	\$7	\$8
AccessIndiana (Non-Subscriber)	AccessIndiana Website	\$16.32	\$7	\$9.32
Mail/In-Person	Mail; In-Person	\$7	\$7	\$0
Partial Exemption	AccessIndiana Website; Mail; In-Person	\$7	\$7	\$0
Full Exemption	AccessIndiana Website; Mail; In-Person	\$0	\$0	\$0

Limited Criminal History Background Checks: As proposed, the state would experience a reduction in revenue to the General Fund and the IOT Portal Fund. The DOE reports that there were 29,046 applicants for a teacher's license during FY 2006. In addition, the DOE received 1,930 emergency permit license applications. Persons holding a teacher's license may also apply for an emergency permit. Thus, there may be some duplication in the number of persons applying for both permits. The same limited criminal history background check may be used for both applications. It is assumed that the majority of teacher's license applicants do not hold an AccessIndiana subscription and would not qualify for a partial or full fee exemption. Given the number of applicants and the percentages provided by the IOT and ISP pertaining to method of obtaining limited criminal history background check information, the state would experience a decrease in revenue to the state General Fund of approximately \$210,000 and IOT Portal Fund of approximately \$208,000 from this provision.

National Criminal History Background Checks: National criminal history background checks cost a total of \$39, \$24 of which is given to the federal government; the remaining \$15 is deposited into the state General Fund. Given the number of applicants, the state would experience an increase in revenue of approximately \$450,000 to the state General Fund.

Explanation of Local Expenditures: (A) *Modification of Criminal History Check Policy:* School corporations and charter schools would be required to modify their current policy pertaining to criminal history checks for applicants and certificated and noncertificated employees. School corporations and charter schools should be able to accomplish this within their current workload.

Criminal History Check Fees: School corporations and charter schools might also experience an increase in expenditures should they require a certificated applicant to complete a national criminal history background check and pay the fee for the check totaling \$39.

Explanation of Local Revenues: *Fingerprint Card Fees:* In both provisions of the bill, certificated school corporation and charter school applicants as well as teacher license applicants would need to submit a fingerprint card to complete a national criminal history background check. If the card is obtained through an ISP post, of which there are 18 statewide, it is free. If it is obtained from a local law enforcement agency, fees vary. Fees collected from fingerprint cards are used by the local police department which collects the fee. Actual use of the fees vary by department.

State Agencies Affected: Indiana State Police; Department of Education; Indiana Office of Technology.

Local Agencies Affected: Local school corporations and townships; charter schools; local law enforcement agencies.

Information Sources: Chris Sheets, Indiana State Police; Chris Cotterill, Indiana office of Technology; Sherry Beck, Indiana State Police; Fred Sargeson, AccessIndiana; Brian Creighton, Department of Education; Professional Standards Board, Department of Education; Doug Shelton, Indiana State Police.

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